

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

DONNA CURLING, *et al.*

Plaintiffs,

v.

BRAD RAFFENSPERGER, *et al.*,

Defendants.

CIVIL ACTION

FILE NO. 1:17-cv-2989-AT

**STATE DEFENDANTS' MOTION FOR EXTENSION OF TIME TO
RESPOND TO COALITION PLAINTIFFS' RENEWAL OF MOTION
FOR ATTORNEY'S FEES AND EXPENSES**

Defendants Raffensperger, in his official capacity as Secretary of State and the Chair of the Georgia State Election Board (the “Secretary”), and State Election Board (“SEB”) Members Sullivan, Worley, Le, and Mashburn (collectively, the “State Defendants”), respectfully move the Court to grant a 70-day extension of time to file its response to Coalition Plaintiffs’ Renewal of Motion for Attorney’s Fees and Expenses, [Doc. 967], (“Renewal Motion”).

On August 15, 2019, this Court issued an Order granting in part Coalition Plaintiffs’ Motion for Preliminary Injunction. [Doc. 579]. On August 29, 2019, Coalition Plaintiffs filed a Motion for Attorney’s Fees and Expenses (“Motion for Fees”) as prevailing parties based on that order. [Doc. No. [595].

The Court subsequently denied without prejudice Plaintiffs' Motion for Fees on May 26, 2020. [Doc. 733]. Coalition Plaintiffs filed their Renewal Motion on October 13, 2020. [Doc. 967]. State Defendants request a 70-day extension of time to file their response with such response due no later than Tuesday, January 5, 2021. In support, State Defendants submit the following as good cause.

State Defendants are in the midst of overseeing an election that is already well underway. Early in-person voting began on October 12 and State Defendants are actively preparing for Election Day on November 3 and any ensuing runoffs. While election administration always demands significant time and attention from election officials and the Secretary's office, this is even more so this year due to unprecedented voter turnout in conjunction with the COVID-19 pandemic.

State Defendants request this extension to help alleviate these significant time constraints. The delay should not prejudice Coalition Plaintiffs or burden the Court as this case has been ongoing for well over three years; a mere 70 days is slight in comparison and State Defendants' appeal may render the Renewal Motion moot. This Court has also previously granted extensions related to the attorney-fee issues in this case. *See* [Docs. 604, 612, 665]; [Oct. 9, 2019 docket order]; [Jan. 9, 2020 docket order].

For the foregoing reasons, State Defendants respectfully request the court grant State Defendants an extension of time to file their response no later than January 5, 2021. Counsel for State Defendants have consulted with counsel for Coalition Plaintiffs, who oppose this request. A proposed Order is attached for the Court's convenience.

Respectfully submitted this 16th day of October, 2020.

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L.R. 7.1(D) CERTIFICATION

I certify that this Motion has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1(C). Specifically, this Motion has been prepared using 13-pt Century Schoolbook font.

/s/ Bryan P. Tyson
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